



Patent
Attorney's Docket No. 021565-108

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Susan V. Wesley et al) Group Art Unit: 1636
Serial No.: 10/055,001) Examiner: Quang Nguyen
Filed: January 25, 2002) **ATTENTION: BOX SEQUENCE**
For: Methods and Means for Producing)
Efficient Silencing Constructs Using)
Recombinational Cloning)

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In complete response to the Office communication dated February 5, 2004,
enclosed please find:

- [X] A copy of the "Sequence Listing" in computer readable form in compliance
with 37 C.F.R. §§1.823(b) and 1.824.
- [X] A statement that the content of the paper and computer readable copies are
the same as set forth in 37 C.F.R. §1.821(f).

The Commissioner is hereby authorized to charge any additional fees under 37
C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment
to Deposit Account No. 02-4800. A duplicate copy of this paper is enclosed.

Respectfully submitted,

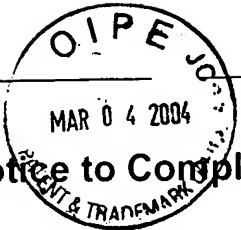
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BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: 4 March 2004

By Malcolm K. McGowan
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

Notice to Comply



Application No. 10/055001	Applicant(s) Helliwell et al.	
Examiner Quang Nguyen	Art Unit 1636	

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See attached Notice to Comply

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

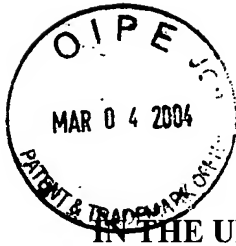
For CRF Submission Help, call (703) 308-4212

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DECLARATION PURSUANT TO
37 C.F.R. §§1.821-1.825

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Malcolm K. McGowan, declare as follows:

1. That the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same in compliance with §1.821(f).
2. That the submission, filed in accordance with 37 C.F.R. §1.821(g)[or (h)], herein does not include new matter [or go beyond the disclosure in the international application].

Serial No.: 10/055,001

3. That the substitute copy of the computer readable form, submitted in accordance with 37 C.F.R. §1.825(d), is identical to that originally filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

4 March 2004
Date

Malcolm K. McGowan
Malcolm K. McGowan, Ph.D.
Registration No. 39,300